



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,262	11/29/1999	DAVID E. HECKERMAN	1018.045US1	7390

27195 7590 06/19/2002

AMIN & TUROCY, LLP  
24TH FLOOR, NATIONAL CITY CENTER  
1900 EAST NINTH STREET  
CLEVELAND, OH 44114

EXAMINER
----------

LASTRA, DANIEL

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/450,262

Applicant(s)

HECKERMAN ET AL.

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. Claims 1-4, 6-14, and 16-20 have been examined

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 6-14, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by McCollom et al (U.S. 6,343,274).

As per claim 1, McCollom et al teach:

A computer-implemented method comprising:

selecting an ad to be displayed on a web page as one of a plurality of ads within a current cluster, each of the plurality of ads having a selection probability *for being displayed* (see column 5, lines 5-62).

displaying the ad selected on the web page (see column 6, lines 61-67 – column 7, lines 1-18);

Art Unit: 3622

detecting activation of the ad displayed (see column 6, lines 61-67 – column 7, lines 1-18); and,

transmitting information to an entity associated with the ad upon detecting activation of the ad displayed, *the transmitted information comprising information regarding the current cluster* (see column 6, lines 61-67 – column 7, lines 1-18).

As per claim 2, McCollom et al teach:

The method of claim 1, further comprising displaying a web page associated with the entity associated with the ad (see column 8, lines 3-25).

As per claim 3, McCollom et al teach:

The method of claim 1, wherein the current cluster is one of a plurality of clusters, the plurality of clusters based on information provided by at least the entity (see column 5, lines 40-56).

As per claim 4, McCollom et al teach:

The method of claim 1, wherein detecting activation of the ad display comprises detecting clicking on of the ad displayed (see column 6, lines 61-67 – column 7, lines 1-19).

As per claim 6, McCollom et al teach:

The method of claim 1, wherein at least some of the plurality of ads are related to the entity for promoting a brand image of the entity (see column 5).

As per claim 7, McCollom et al teach:

The method of claim 1, wherein the entity comprises one of: a vendor, an advertiser, an organization, and a business (see column 5, lines 40-50).

Art Unit: 3622

As per claim 8, McCollom et al teach:

A computer-implemented method comprising:

detecting activation of a display message, the display message associated with a current cluster and having a selection probability within the current cluster for being displayed (see column 6, lines 61-67 – column 7, lines 1-19);

transmitting information to an entity associated with the display message upon detecting activation of the display message, the information comprising information regarding the current cluster (see column 6, lines 61-67 – column 7, lines 1-19).

As per claim 9, McCollom et al teach:

The method of claim 8, wherein the current cluster is one of a plurality of clusters, the plurality of clusters based on information provided by at least the entity (see column 5, lines 40-67 – column 6).

As per claim 10, McCollom et al teach:

The method of claim 8, wherein the entity comprises one of: a vendor, an advertiser, an organization, and a business (see column 5, lines 40-50).

Claim 11 is written as a machine-readable medium but contains the same limitation as claim 1, therefore the same rejection is applied.

Claim 12 is written as a machine-readable medium but contains the same limitation as claim 2, therefore the same rejection is applied.

Claim 13 is written as a machine-readable medium but contains the same limitation as claim 3, therefore the same rejection is applied.

Claim 14 is written as a machine-readable medium but contains the same limitation as claim 4, therefore the same rejection is applied.

Claim 16 is written as a machine-readable medium but contains the same limitation as claim 6, therefore the same rejection is applied.

Claim 17 is written as a machine-readable medium but contains the same limitation as claim 7, therefore the same rejection is applied.

Claim 18 is written as a machine-readable medium but contains the same limitation as claim 8, therefore the same rejection is applied.

Claim 19 is written as a machine-readable medium but contains the same limitation as claim 9, therefore the same rejection is applied.

Claim 20 is written as a machine-readable medium but contains the same limitation as claim 10, therefore the same rejection is applied.

### ***Conclusion***

Applicant's arguments with respect to claims 1-4, 6-14 and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 7:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

Art Unit: 3622

872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

D.L.

Daniel Lastra

June 5, 2002



MELANIE A. KEMPER  
PRIMARY EXAMINER